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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,374	03/29/2004	Scott A. Kroggel	9008-49	7602
20792	7590	06/23/2005	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			RAMIREZ, RAMON O	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			3632	

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,374	Applicant(s) KROGGEL, SCOTT A.	
	Examiner RAMON O. RAMIREZ	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-12, 14-19 and 21-29 is/are rejected.
- 7) ☒ Claim(s) 13, 20 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

This is the second Office Action corresponding to amendment filed Mar 9, 2005. The application contains 30 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1, 3, 5-7, 21, 23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gross et al. (Pat No 5,035,392).

The patent to Gross et al. discloses an adjustable display device comprising panels (14, 16), slidably connected (see element 12) to each other, and having support means (32) which is a hinge connecting the display to a computer monitor. The surface of the panels is a writing surface.

Claim Rejections - 35 USC § 103

Claims 2, 4, 14-18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al. (Pat No 5,035,392).

To substitute a whiteboard and a corkboard for the panels shown by Gross et al. is considered to be an obvious matter of engineering choice to those skilled in the art. This is considered a matter of expediency. Note that the structure of the device shown by Gross et al. would not be affected by using other type of panels.

Claims 8, 19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al. in view of Schwartz (Pat No 5,638,096).

The patent to Schwartz discloses the use on indicia on a computer monitor.

It would have been obvious to one skilled in the art at the time the invention was made to have provided the device shown by Gross et al. with indicia as shown by Schwartz for several purpose, for example aesthetics.

Claims 9-12, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gross et al. in view of Sunbland (Pat No 6,443,415).

The patent to Sunbland discloses an organizer used with a computer comprising a writing holder (16) holding a writing implement (13) and an eraser holder (15) holding an eraser (14). It would have been obvious to one skilled in the art at the time the invention was made to have provide the device shown by Gross et al. with a writing holder and an eraser holder if one of the panel is a whiteboard.

Allowable Subject Matter

Claims 13, 20 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Gross et al. do not disclose telescopic adjustable panels. The examiner respectfully disagrees. Referring to Fig. 1 of Gross et al., it shows element 18 (which is part of panel 16) telescoping into element 12 (which is part of panel 14). In view of this, the new limitation now added in claim 1 still is met by Gross et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is

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(571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST
FRIDAY OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT OLSZEWSKI can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RAMON O. RAMIREZ

Primary Examiner

Art Unit 3632

ROR

June 20, 2005